



COMMUNITY DEVELOPMENT DEPARTMENT
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PLANNING COMMISSION MEETING MINUTES

SPECIAL MEETING

JANUARY 18, 2005

PRESENT: Acevedo, Benich, Escobar, Lyle, Mueller, Weston

ABSENT: None

LATE: None

STAFF: Planning Manager (PM) Rowe, Senior Planner (SP) Linder, Associate Planner (AP) Plambaeck, Deputy Director of Public Works (DDPW) Bjarke, Senior Engineer (SE) Creer, Associate Engineer (AE) Gittleson, Housing Program Coordinator (HPC) Balderas, and Minutes Clerk Johnson

Workshop 5:00 p.m.

DISCUSSION OF GLOBAL ISSUES FOR PROJECTS IN THE RESIDENTIAL DEVELOPMENT CONTROL SYSTEM (MEASURE "C") OPEN/MARKET COMPETITION

Vice-Chair Lyle convened the workshop at 5:09 p.m., with Commissioners Acevedo, Benich, Escobar, and Mueller present. Vice-Chair Lyle announced that the workshop was for discussion and potential agreement on issues, but no decisions would be made during the time.

Global issues were discussed with the following (new) being brought up:

Orderly and Contiguous category: [4 a and 4 b] The need for the development agreement to be in place; specifically whether or not those projects that have not entered into a development agreement with the City are in compliance with City process. Concurrent with that would be whether a developer is current with the building permit issuance schedule. Vice-Chair Lyle noted that the bottom line issue is the lack of completion of the phases as required, and whether that would amount to not having done anything on the project in order to obtain the points for the Orderly and Contiguous category. Following the brief discussion, Planning Staff agreed that the points awarded in this category needed to be revisited.

Commissioner Acevedo said he recalled the global issue a couple of years ago: Bringing up new information and asking if this occurs during an appeal, if this would be considered new information? Commissioner Mueller expressed the belief that new information is anything not in the originally presented application packet. Vice-Chair Lyle said there had to have been reference in the packet somewhere. Commissioner Escobar provided an example of having reference in an incorrect or misplaced section,

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and having the applicant say, "Oh, sorry, that was inadvertently put under open space, but should have been ..." Vice-Chair Lyle agreed, stating, "Furthermore, that information may not have been in the packet, but in City files and that may be OK."

Housing Types – Housing Needs Commissioner Mueller stated there needed to be clarification regarding the attached housing / pseudo attached issue: whether the drawings submitted meet the requirements of the Ordinance. He said, "What is presented as a house should meet zoning codes. In some cases, spelling out the drawings is not needed, but if the drawings submitted do not meet the Code, will the application then become ineligible?"

Vice-Chair Lyle expressed the opinion that if the drawings do not meet the Code, then the project should not be considered. Commissioner Benich asked for a review of what would be considered a 'legal submittal'.

Commissioner Mueller noticed that in looking at attached housing (Housing Types – Housing Needs category) there were some plans submitted that did not seem to meet the 50% adjacency requirement and further said those applicants are 'submitting something that can't be built'. He noted that the response letters say basically, "I don't have to meet that requirement." PM Rowe advised that SP Linder scores the Lot Layout category and furthermore if the project cannot achieve a potential 50% adjacency, it would not get the point.

Vice-Chair Lyle and Commissioner Mueller noted that other categories [Lot Layout and Orderly and Contiguous] could be affected by the scoring in the Housing Types – Housing Needs category. Commissioner Escobar asked if there were a difference in the language of the Code/application which might cause confusion if whether or not the project becomes ineligible? Commissioner Mueller stated, "The project needs to clearly demonstrate how the 50% adjacency will be met. PM Rowe stated, "The issue is if the project is in compliance with the 50% adjacency requirement." Vice-Chair Lyle noted Staff and the Commissioners need to be looking at those projects to ascertain if there are 'significant design flaws'.

Commissioner Mueller commented that when the applicant is submitting plans, it is important for the Commissioners to be able to look at a Master Plan, to know what the applicant is committing to in the way of housing needs, lot layout, etc., "If it can't be seen: how the requirements are met, with all the stuff locked in at the first submittal, we don't have much to go on," Commissioner Mueller said.

PM Rowe addressed a parallel issue: in the overall Master Plan, absence of the building footprints.

Commissioner Mueller agreed, saying it would be easy to identify if housing types are clustered in a wrong way, (especially as far as BMRs are concerned), and how the phases have the various requirements fitted in. "The Staff and the Commissioners need to know how and why the developers have made their plans," Commissioner Mueller said.

Vice-Chair Lyle concurred and said, "Having set-asides for the whole project causes the need to see how that set-aside fits and how much is needed."

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PM Rowe asked Commissioners about the 50% adjacency and Lot Layout concerns, as there was need for consensus in scoring. He advised that SP Linder had some difficulty with the scoring because if the overall Master Plan for a project had not fully been developed, and just the first portion of the lots showed lot layouts, if scoring should have been completed? Commissioner Mueller responded that if Staff couldn't see where the BMRs and other items weren't shown, the project couldn't be graded.

PM Rowe said that most of the Staff scored with what had been presented, and as in the case of SP Linder, it could be seen that there was absence of the Master Plan, so the application scored low.

Commissioner Mueller commented on the need for the total Master Plan. "If we don't get it, well, we don't want to go down that path," he said.

Vice-Chair Lyle and Commissioner Mueller indicated thinking that the application process should be retained the way it is scored, now: with all the pertinent data being available to the scorers and to the Commissioners.

PM Rowe advised that some plans are not detailed totally, as in a Master Plan.

Commissioner Mueller implied that the applications should be expected to contain a total Master Plan and that means it covers all required/necessary items.

PM Rowe agreed, saying that is what had been expected and required of all Master Plans.

Commissioner Mueller continued by saying the applications need to show where various housing types are located.

Commissioner Benich asked if the developers may have become confused by Ordinance 1642? "There may be some confusion by modified setback plans language," he said.

Vice-Chair Lyle suggested discussion on the issue could take place in consideration at the time each of the affected projects.

Bill McClintock, P.O. Box 1029, MH Engineering Co., told Commissioners there is confusion on this issue and referred to language that appeared to indicate that the modified setback in the application document would indicate no attachment, nor any way to do so, giving as an example 'something like a z-lot'. PM Rowe stated that on the z-lot the 50% adjacency is not applicable.

Vince Burgos, 370 Castenada Ave, San Francisco, of Development Process Consultants, called attention to the fact that because of time constraints in the application process, applicants were told that the project could show the dwellings as attached at the time of submittal, but would have to address later how they could become detached. Mr. Burgos referenced what could happen with the layout: a given lot could become a 'zipper or two pack' of interlocked lots that can be detached in the future'. "All the designs which were attached could be detached in the future, so we really were required to plan a dual design, which resulted in not so much as a flaw, but work for the future," Mr. Burgos explained.

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Commissioner Mueller said, "Applicants are required to submit what will be built."

Mr. Burgos responded that the specifications for the application specifically said 'attach for this application'. PM Rowe noted that some drawings depicted the dwellings as attached, others detached. Mr. Burgos insisted he was told specifically to attach for this competition.

PM Rowe reminded that Ordinance 1641 had not originally indicated extension for the modified detached, and that was passed after the application period.

The issue was discussed in detail, with the following points being raised:

- as shown on some of the drawing, there is a flaw
- applicants were told to submit as attached
- how to detach the attached unit with the off-set for variation in setbacks
- if capable of being attached with 50% adjacency
- Lot Layout is criteria based on a site development plan, but not a Master Plan
- if there is commitment in showing street patterns, how could you identify which lots are for BMRs, moderates location(s) in the future
- the Architecture Review Board (ARB) decides on the changes on big projects
- anything required to score, the applications needs to show those features on the whole project
- housing types, 10% commitments: is this apparent on the drawings? The Commissioners want to know where those units are located, and not risk going through a big project then discover that requirement is not met
- if the developer anticipated putting individual houses on each lot, where the BMRs, moderates, single stories are located and the lot sizes, are important for an overview
- there seems to be some confusion in dealing with this matter as a global issue, which may have affected some individual applications

BY CONSENSUS, THE COMMISSIONERS AGREED THIS GLOBAL ISSUE WILL BE CONSIDERED WHEN ENCOUNTERED ON THE APPLICATIONS - ON A CASE-BY-CASE BASIS.

PM Rowe reported that he had provided a memo regarding the review of scoring methodology / global issues overview of what was given to the Commissioners in the Parks and Open Space categories category. PM Rowe noted that the definitions will cause reconsideration of the small project applications and that Staff will rescore the Parks and Open Space categories as warranted. If the implications are for Open Space, the Commissioners and the applicants need to be aware that some related categories of scoring may be lower than originally thought. He said this matter should be dealt with in the Subcommittee. "We definitely need to go back and settle it once and for all," he said.

Attention was then turned to page 4 of the Staff report in the category of Livable Communities, with PM Rowe asking Commissioners to clarify any issues. Commissioner Mueller said that item #5 was not quite right. "If the two fractions add to + 1/2, then an additional ~~moderate~~ median unit is required."

Vice-Chair Lyle asked for clarification of next weeks meeting (January 25, 2005): what the process would be? PM Rowe explained the Commissioners would be concluding the

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hearings this evening (January 18, 2005) and Staff will prepare a memo for the January 25, 2005 meeting, which will include scoring adjustments (including explanations as warranted). Then final score sheets will be distributed, along with resolutions for adoption. The application list and the correspondent scoring will be heard at the City Council meeting on February 23, 2005 if appeals are filed. He indicated that the Commissioner may certainly discuss any of the scoring and/or recommendations when presented on January 25, 2005.

Vice Chair Lyle recessed the Planning Commission workshop at 5:57 p.m., with the announcement that discussion would resume following a dinner break for the Commissioners and staff.

Chair Weston arrived and was seated, with assumption of the gavel, at 6:28 p.m., as discussion continued.

Chair Weston reminded that the Commissioners discretionary point(s) in the Livable Communities category would take place at the end of the hearings.

Commissioner Lyle gave an overview of the seven global issues discussed at the January 11, 2005 meeting.

Specific projects were then reviewed:

MC-04-04: DIANA-CHAN Staff adjustments – none. Mr. McClintock called attention to the Housing Needs. He said Ms. Balderas is in the process of rescoring and asked to leave the housing issues to the end of the scoring process (also asking for 1 point to be added in section).

Schools: An additional 2 points were requested for the walking distance to Live Oak High School, as the applicant is offering to put in pavement along Diana, along Condit and along Main, as well as having agreed to phasing of the improvements.

Mr. McClintock said that a point for the right-of-way, as determined to be in place to Live Oak High School, should be granted (this was to be referred to the Public Works Department) Mr. McClintock said if there was any other reason for applicant not to have received the two points, he wanted to know.

Landscaping/Screening in front of HOA if front yard landscaping were low maintenance; the project could get more savings by not watering

Natural Environmental: Mr. McClintock spoke at length about the placement and amount(s) of the fill dirt, which he said would not exceed 2 ~~yards~~ *feet* as he asked for a point adjustment to this category

Natural and Environmental category: Mr. McClintock referenced *existing habitat* on page 61, paragraph 1d, saying he had done some research and asked for the same scoring as last year when he said the project had received an additional 1 point following discussion by Planning Commissioners, as well as item 2b on page 62. Mr. McClintock said he had discussion with Staff on how to meet the criteria, and then had redesigned the project along Diana Ave. with more than typical set-backs so to enhance agriculture operations in the area. "There is the buffer provided by landscape," Mr. McClintock stated.

Livable Communities – The two Planning Commission points were requested for this

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project, as Mr. McClintock called attention that all the design elements were present and the project scored maximum points, but had been penalized as to location. Mr. McClintock said what was referenced as an arterial street is not, and asked for 'opportunity points'. "This project is well designed and has scored well in past, but not gained enough points to gain allotments," Mr. McClintock stated.

Chair Weston said that if everything is in order in the Schools category, the project should get the point. SP Linder advised that the School District must reevaluate for point award.

Regarding the right-of-way issue, PM Rowe advised if it does exist, then an additional 2 points will be awarded.

In the Landscaping/Screening category, SP Linder said the criterion as stated tells what the applicant must do, but that has not been made clear/obvious in the application. Commissioner Mueller called attention that the applicant had received 1 point in this category in the previous competition.

Turning to the issue of Natural Environmental, Commissioner Mueller asked if a decision must be made on the presented drawings or on merit of the statements. Commissioner Lyle called attention to a previously received letter wherein the Engineer said it would be necessary to elevate lots 3 & 4, but is now saying that would not be necessary. "This adds some 'grayness' as to whether any adjustment would be possible," Commissioner Lyle said. Commissioner Mueller agreed, citing the '2 different letters, 2 different stories, 2 different things than drawings.

The issue of consistency (across the applications) was discussed, with Commissioner Mueller noting this comes up 'several times'. Chair Weston commented others may not be 'so blatant'.

THERE WAS CONSENSUS BY THE COMMISSIONERS TO ASK STAFF TO LOOK AT THE NATURAL AND ENVIRONMENTAL CATEGORY AND THE 2 LOTS AS REFERENCED BY MR. MCCLINTOCK.

The subject of habitat on the proposed project was also discussed, with emphasis on the number and location of the trees. Commissioner Lyle commented, "If the application got a point last year, that is, four people (Commissioners) voted for the point(s) last year, I'm not comfortable with giving the point again - by vote. It's true the application got the point for trees in past, but it shouldn't get points for trees in two places."

Commissioner Acevedo spoke to permitting the point, as he frequently visits the general area, and agreed with the narrative the applicant wrote. He said the site did contain trees, has birds and other animals, and mentioned the inclusion of a letter (which he described as *not strong*) from an expert who said the habitat does exist.

Commissioner Escobar noticed this matter had been reversed last year, and should have been considered by Staff this year. "If staff was aware of the decision, it would be logical for staff to give the points again this year," he said. Discussion ensued as to Staff scoring, with AP Plambaeck saying Commission action may not have been included from the previous year in the Staff scoring for this year.

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Chair Weston conducted a 'straw vote' with Commissioners Benich, Escobar, and Acevedo saying no point. Commissioner Mueller commented he was undecided but felt the need for consistency. "I'm not happy with giving a point," he declared

Commissioner Escobar pointed out that if staff had used the scoring of the Commissioners from last year, a point would have been given and stressed the need for consistency.

BY CONSENSUS THE COMMISSIONERS DECIDED TO SEND THE MATTER TO THE SUBCOMMITTEE FOR GUIDANCE, WITH COMMISSIONER LYLE DISSENTING AND CHAIR WESTON NOT VOTING. COMMISSIONER LYLE SAID THE CONCERN IS: ARE THE TREES SUFFICIENT AND SIGNIFICANT ENOUGH TO BE INCLUDED IN CRITERIA.

Calling attention to Page 62, item 2b, the 40 – 50-foot setback from the Winery, Staff disagreed with the applicant request for additional points. Commissioner Acevedo commented that the greater distance is preferable, so there is a better buffer for the Winery. Commissioner Mueller asked for criteria clarification. PM Rowe advised that the City has said there should not be imposition of restrictions on the farmer for application of pesticides and has required a 200 foot distance. He went on to discuss the setbacks of dwellings and rights-of-way. "The applicant wants the point because of buffers, berms, setbacks. Staff looks to see if the farmer has sufficient space for operations," PM Rowe explained.

Agreeing the applicant could pursue the matter were: Commissioners Lyle, Benich, Weston, Escobar. Commissioner Acevedo asked if two full points could be award without adverse effect to the vineyard? PM Rowe said it might still be affected, but the setbacks would be larger than others in the area.

CONVENING OF THE SPECIAL MEETING

Chair Weston called the Special Meeting to order at 7:02 p.m., and led the flag salute.

DECLARATION OF POSTING OF AGENDA

Minutes Clerk Johnson certified that the meeting's agenda was duly noticed and posted in accordance with Government Code Section 54954.2.

OPPORTUNITY FOR PUBLIC COMMENT

Chair Weston opened the public hearing.

Observing that there were no members of the public indicating a wish to address the Commissioners on items not appearing on the agenda, Chair Weston closed the

opportunity for public comment.

MINUTES

Chair Weston announced the minutes of the meeting of January 11, 2005 would be

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considered at the January 25, 2005 meeting.

CONSIDERATION OF THE APPLICATIONS:

Chair Weston announced that the applications would be heard in the order listed on the agenda. Chair Weston noted that within consideration of each application, speakers would be heard, with the public hearings opened and closed for each [the specific open/close announcements are not listed in the minutes].

INTRODUCTION OF STAFF PERFORMING SCORING DUTIES OF THE APPLICATIONS

PM Rowe introduced the following staff in attendance who had assignments for scoring:

DDPW Bjarke, Livable Communities
SE Creer, Circulation Efficiency
AE Gittleson, Public Facilities
HPC Balderas, Housing Needs and Types
SP Linder, Lot Layout
AP Plambaeck, Natural and Environmental
PM Rowe, Open Space

NEW BUSINESS:

**1) RDCS
(MEASURE "C")
OPEN MARKET
COMPETITION
FOR FY 2006-07 &
FY 2007-08**

APPLICANTS FOR THE FOLLOWING PROPOSED RESIDENTIAL DEVELOPMENTS HAVE REQUESTED A BUILDING ALLOTMENT UNDER THE CITY'S RESIDENTIAL DEVELOPMENT CONTROL SYSTEM, PURSUANT TO CHAPTER 18.78 OF THE MORGAN HILL MUNICIPAL CODE:

a) **MEASURE C, MC-04-23: TENNANT-GERA:** A request for Residential Development Control System (Measure C) building allocations for Fiscal Year 2006-2007 and Fiscal Year 2007-2008. The project consists of 10 single-family units and 6 multi-family units on 14.44 acres located at the Tennant Avenue and Church Street. [Total points: 157]

It was noted that Staff had been directed to review the items resulting from the Workshop. Commissioner Mueller noted that the Master Plan did not indicate placement of the development in the future. Mr. Burgos said last week several issues were indicated as intent for addressing changes and stated he was unsure of any changes. SP Linder informed that Staff reviewed the project in the Small category, and there were no subsequent changes at this time to the Housing category; she noted no other differences to the application.

Mr. Burgos reiterated that next week, the Commissioners had discretion for any rebuttal.

The Planning Commission point in the Livable Communities category was mentioned. Commissioner Lyle noted that the applicant had spoken regarding the matter.

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PM Rowe said there were no recommended changes in the points, but noticed the Housing category has not been completed.

The Planning Commissioners voted on the Livable Communities category where they are able to award points. The vote resulted in no points being added to the announced score in the Livable Communities category.

b) MEASURE C, MC-04-04: DIANA-CHAN: A request for Residential Development Control System (Measure C) building allocations for Fiscal Year 2006-2007 and Fiscal Year 2007-2008. The project consists of 91 single-family dwelling units on 34.4 acres at the south side of Diana Avenue east of Murphy Avenue and west of Hill Road. [Total points: 163]

Janet Martinez, 1650 Diana Ave., told Commissioners she was representing the family who had been working on the project since 1993. Ms. Martinez gave an overview of the project, noticing the presence of wildlife, a willingness to enhance the area, and indicating a desire for the project to be seen as an important part of the City by providing family homes.

c) MEASURE C, MC-04-08: CENTRAL-DELCO: A request for Residential Development Control System (Measure C) building allocations for Fiscal Year 2006-2007 and Fiscal Year 2007-2008. The project consists of 34 28 single-family dwelling units on 5.04 acres at the terminus of Calle Cerro at the southeast corner of Central Avenue and Butterfield Boulevard. [Total points: ~~159.5~~ 169.5]

There were no points adjusted as a result of Staff review.

Doyle Heston, 3480 Buskirk Ave, #260, Pleasant Hill, was present to represent Delco Builders and advised the Commissioners of his background in building and community development. Mr. Heston said the company had been around Morgan Hill for a long time and hope to compete well in this competition.

Mr. Burgos spoke to this item, saying the application has been 'in the works for a while' and told of the high merit of the design element, and spoke on the access pathways, which he termed 'valid and usable'. Mr. Burgos called attention specifically to page 25, Parks and Pathways category, emphasizing the open space between the units. He linked that category to Orderly and Contiguous, page 22, b5. "The pathways will be extending throughout the project and are not 'redundant'," Mr. Burgos said. Further, Mr. Burgos called attention to the category dealing with lot size transition and identified lots 4 and 5 and 13 and 14 as he discussed the width of transition between the lots. Mr. Burgos called attention to the fact that the application has been 'dinged as flawed in design, as a minor flaw for this, but had received a superior rating in lot layout and orientation, adding "So the project still got a superior rating and points".

Mr. Burgos said the project had been penalized for sound wall issues. That is not an issue here as there is the Butterfield Channel with a small landscape similar to others in the area, and that will help keep graffiti away, he said. Mr. Burgos noticed the large area of setback which he said should get a point for the buffer between the Channel and the sound wall, noting this to be in section b2c on page 60 of the application. Calling attention to the category dealing with the setbacks and walls, Mr. Burgos told the

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Commissioners that it would be possible to have 2 points, but the application received 0. Mr. Burgos argued the text contained in the application is the same as that used in First Community Housing's project.

John Telfer, 17045 Monterey Rd., told the Commissioners he was present to 'make clear some confusion of property rights along the Butterfield Channel', saying he had been told by Mr. Burgos this particular issue had caused some confusion. Mr. Telfer said that as a Realtor, he had been involved with the sale of this and surrounding properties, stressing this property was unusual in that there had been 'premature dedication of land' to the City as part of an exchange for dedicated rights to the Channel.

PM Rowe interjected there was question as to whether or not this project is a continuation of the Cerro Verde project or not.

It was noted that a letter from Mr. Burgos dated January 8, 2005, Page 3 referenced the categories of Open Space, b12, Public Facilities 2d, and Public Facilities 2f dealing with this matter.

Mr. Telfer explained that the sound wall issue has evolved because in 1993 two parcels were purchased with a lot line adjustment being made, so the line went to far eastern side of the Butterfield Channel. The new owner had deeded right-of-way to the City in MP 94-13, completed in 1998). "With this application there seems to be some question of the balance of the right-of-way and how the Channel got into the hands of the City," Mr. Telfer said. He continued by describing the 'premature dedication of that land' and relating that the points were received in the original application, but because of the premature dedication, points had not been given for this application.

PM Rowe said if it is acknowledged that the dedication agreement is part of Cerro Verde phases 1 and 2, and then is this phase 3. The question is, he explained, does this represent a continuation? PM Rowe reminded that two years ago a representative of the Home Owners' Association of Cerro Verde said they did not consider this project as part of their development. Therefore Staff was directed to view this as a stand-alone project for scoring.

Steve Loupe, 1951 Nova Dr., Hollister, with MH Engineering Co., spoke on the Schools category, comparing it to application MC-04-04, item d, declaring there is a provision for a safe walking way to the schools. He also called attention to Page 59, Natural and Environmental item c, tree removal – as he told Commissioners that the project would ensure saving a handful of significant trees on the site between lots 13 and 14.

Chair Weston asked clarification if the trees remaining will be saved? Mr. Loupe said they will be saving one tree, admitting there are few significant trees, 'so probably there will be a saving of 25%' of the trees.

Mr. Loupe turned to discuss the Butterfield Channel issue on page 25, item f, saying if the Channel is to be part of project, then a point should be given.

Mr. Burgos returned to the podium to tell Commissioners that the first phase of this project saved many trees.

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Commissioner Escobar asked if a decision was made two years ago whether this is the continuation of an existing project. Chair Weston referenced the Butterfield Channel and stated that the Cerro Vista HOA did not want this project to be part of the(ir) existing HOA.

Commissioner Lyle indicated the Commissioners had not said this was to be a continuation. He also noted that there were several separable issues and stated that if there had been premature dedication of land along the frontage as Mr. Telfer indicated, then credit should be given for that land.

Commissioner Acevedo asked Staff: When this project is compared with phase 1 & 2 of Cerro Vista, does this follow the same pattern? When this project is built, will it look the same? "No, it has different architectural features," PM Rowe explained, adding there was not a Master Plan originally. This project site was shown as a future application area.

Chair Weston asked about any points which had been given previously for the premature dedication of the land for the Butterfield Channel. Commissioner Acevedo joined in, asking if there is any documentation of the owner of what was given for that dedication?

PM Rowe pointed out that in the category of Public Facilities there is a need to look at how Cerro Vista got points for the Butterfield Channel to the north, which would shed light on the matter under discussion.

Commissioner Mueller agreed, saying, "When the linear calculation was calculated, there is need to know the way the result was derived, and whether there was enough frontage retained for three properties and enough for industrial properties and other items. It seems this project was previously covered, so it appears logical that there was some retention of property."

SE Creer pointed out in the last narrative points, for dedication of the Channel were given. He also said that past projects along this site received points. Whether points had been given in the past for the premature dedication, he was not aware.

Chair Weston clarified that points had not been given previously for the premature dedication, so the point would be for this project only.

Discussion then turned to the Path along lots 4/5 and 13/14, which deals with lot size transition that needs to be improved. Commissioner Acevedo pointed out that the application has received maximum points in Parks/Paths. SP Linder said the issue is with the Orderly and Contiguous category, where there is a requirement to evaluate for Master Plan points. She called attention to page 21, saying the question would be whether to consider both of these locations as major or minor flaws. SP Linder reminded that if a category has 2 or more design flaws, points would be lost. SP Linder explained that by

putting the path between lots, Staff detected a significant design flaw. Commissioner Benich disagreed, saying, "No, the bigger open space is a good thing."

Regarding significant design flaws in the Open Space category, Commissioner Mueller remarked there are other ways to achieve the open space. "I think that is a significant

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flaw,” Commissioner Mueller said. Commissioner Escobar agreed, saying, “There are problems.” Commissioner Lyle did not indicate a consideration for review.

Following more discussion, Commissioners:

- directed Staff to review the points for the Butterfield Channel issues
- said their issue of the tree saving did not present enough argument for an additional point
- noise levels referenced in the General Plan are high enough for sound wall placement

d) **MEASURE C, MC-04-11: SAN PEDRO-DELCO:** A request for Resident Development Control System (Measure C) building allocations for Fiscal Year 2006-20 and Fiscal Year 2007-2008. The project consists of 52 single-family dwelling units on 9. acres at north side of San Pedro Avenue south of the Walnut Grove shopping center. [Total points: 165]

Mr. Heston indicated no issues he wished to address with this application.

Mr. Burgos called attention to the Open Space category, item b1c, page 12, where reference was made to ‘pathways being redundant’ of City sidewalks, telling the Commissioners this also affects Orderly/Contiguous, as well as Lot Layout, page b1f and page 42. “In all cases,” Mr. Burgos said, “the ‘pathways redundancy’ of City sidewalks is caused where cars are coming around the corner, which creates problems for pedestrian safety. So we had to move the pathway further away from the street curvature on Walnut Grove.” He told how this configuration can connect the interior of the project for the proposed design to provide a good link at the end of two cul de sacs. “This is in the process of designing away the pedestrians from the blind spot of motorists,” Mr. Burgos explained.

In the Orderly/Contiguous category, Mr. Burgos continued, in b5 on page 19, the 50% adjacency rule comes into play. This was designed to be attached for the application, and there was a timing issue, so the application was submitted, but this is an area where the unit(s) could easily be fully detached. Mr. Burgos repeated that it becomes a timing issue. Mr. Burgos said there is a need to aggregate open space and advised the Commissioners of the setback and location of the park, emphasizing the open space is large and can hold all the amenities. “We would not be pleased with fronting the houses on San Pedro. Our standard is that we don’t want walls on City streets,” Mr. Burgos said. He called attention to other projects where this was directed, and commented, this seems to be 180 degrees of difference.” Mr. Burgos said his concern of was retention of a superior rating.

SP Linder said that the 50% adjacency is set by Ordinance 1641, wherein the City identifies detached/attached housing and sets a City requirement, which this project does not meet.

As to Housing Types, an oversight was acknowledged: this does meet requirement b3 on page 35 and would therefore receive an additional 4 points. (B2, page 42, aggregate open space)

Mr. McClintock asked Commissioners to review page 16, paragraph 2, saying if exiting utilities are available, generally 2 points are given for sewer, but this application got one

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on this item. Mr. McClintock stated that this had not been an issue in previous applications.

Mr. McClintock also called attention to:

- the Natural and Environmental category highlighting detail of the detention pond which says in the narrative, page 60, it is 12-feet deep, when it is actually intended to be 2-feet deep.
- Livable Communities category where there will be improvements to the pathways to the nearby shopping centers
- commitment of Murphy Avenue/Walnut Grove Street with a cost of \$22,000 per unit. These streets adjoin the project and this expenditure will create widening and sidewalks. [Mr. McClintock said that by committing to these improvements for the high dollar value, the applicant will put into place the needed bicycle paths indicated on the Bicycle Master Plan and should receive points. He also noted that the right-of-way exists for this work at the present time.]
- existing sidewalk is in place, there is a need for a tie-in (with the one proposed in this application); however, fire valves were mistakenly placed in the public right-of-way so the applicant is proposing to move water valve and create a safe passageway with the sidewalk

Commissioner Acevedo asked about the right-of-way behind Home Depot and Longs, and whether there was a proposal to abandon that road? [No] He said the concern would be that the road continues south to San Pedro Avenue opposite Nina Lane.

Mr. McClintock spoke about the proposal for the sidewalk, which he said now ends on the right side of the drive aisle.

Chair Weston addressed several matters involving the bicycle path along Murphy and San Pedro, asking if the proposal on San Pedro would be to take the route to downtown?

The Commissioners discussed the requests for points in the categories of

- Public Facilities (improving a portion of Walnut Grove and Murphy)
- Orderly and Contiguous (page 66) The Commissioners said it sounds as if most of what is listed is part of City's community plan already
- Natural and Environmental (detention pond depth) Planning and Public Works Staff's to review
- Orderly and Contiguous (Sewer tie-in) may be questionable if pipe is sufficient as indicated; Staff directed to check Sewer Master Plan - depends on number of connections
- Lot layout 50% adjacency was not indicated
- Housing Types (lengthy discussion ensued regarding this matter with reviews of thoughts on the rounding issue; subsequently, staff was directed to reevaluate
- Pathways adjacent to a street (actually sidewalk) and meandering pathway replicating City sidewalks; Staff was directed to reevaluate

e) **MEASURE C, MC-04-12: E. DUNNE-DEMPSEY:** A request for Residential Development Control System (Measure C) building allocations for Fiscal Year 2006-2007 and Fiscal Year 2007-2008. The project consists of 78 single-family dwelling units on 14.97 acres on the south side of E. Dunne Avenue east of Butterfield Boulevard and west of San Benancio Way. [Total points: 180]

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SP Linder announced that Staff review had resulted in the reduction of one point, as the development agreement was not completed.

Mr. Burgos said that in the Natural and Environmental category, a matter of tree issues has been raised. He also reminded that this project has received 8 units of allocations, with Phase I in process, and therefore on time schedule-wise.

Mr. Telfer said the Commissioners had a letter in the current packets from Janet Dempsey regarding the tree issue. Last year, he said, the project had received a point for the tree, and pointed to a different criterion this year, reading a definition that includes oaks (all types) which are indigenous to the Morgan Hill region. Discussion was held as to the meaning of region. Mr. Telfer and Mr. Burgos asked what the region of Morgan Hill is, claiming it to be greater than the City limits and telling Commissioners that on this property there is a large redwood tree. Mr. Telfer indicated thinking this type of tree should be on the indigenous list if it is part of the Morgan Hill region.

AP Plambaeck advised that the item was scored on the criteria available, and saying that based on the trees listed in the Municipal Code, it would be questionable as to whether redwoods would be considered native.

Moki Smith (no card provided) introduced himself as an Arborist/Consultant and said there is a lot of ambiguity as to the Municipal Code on what is indigenous. Commissioners discussed with Mr. Smith whether the trees on the subject property are naturally occurring or planted [Mr. Smith said it would be hard to say], and how old it might be [Mr. Smith said about 40 years]

Commissioners discussed the following:

- tree not on the Code list
- size of the tree

(no additional direction for reevaluation)

f) MEASURE C, MC-04-13: BARRETT-ODISHOO: A request for Residential Development Control System (Measure C) building allocations for Fiscal Year 2006-2007 and Fiscal Year 2007-2008. The project consists of 36 single-family residential dwellings units on 7.064 acres located at the south east corner of Barrett Avenue and Butterfield Boulevard. [Total points: 184]

Mr. Burgos raised the category of Circulation Efficiency, page 48, b1b, and telling the Commissioners that the project does have stub streets (which will be eliminated), but provides for the extension of streets in the future. Mr. Burgos compared this with other projects which he said got similar points.

Commissioner Lyle commented that ~~on the global issues~~, the Schools category ~~of score~~ for the project had been reduced by three points [he also reminded that the School District scored this category] *because 4 points had been awarded for a 1 point criteria.*

SE Creer advised that with respect to stub streets, in the last competition, Commissioners had discussed this as a marginal stub, not on the property, but through the use of a stub on adjacent property which was down the street and had no apparent relation to this project.

Responding to a question from Commissioner Acevedo, SE Creer explained the stub location which would serve the Chen property, north of Barrett, not San Pedro. SE Creer stressed the stub being proposed was not close to the project.

Commissioner Mueller commented that the Subcommittee may need to look at some of the off-site improvement proposals, saying, "If the developers want to spend money, there are better ways to do it." Commissioners reminded SE Creer that a list of desirable offsite improvements had been requested. SE Creer replied that the list is complete, but staff was limited in the areas of right-of-way criteria and public improvements. Commissioner Mueller said there is need to look at how to do more without dedications than with at present.

Mr. Burgos talked about elimination of the stub on the south end of the project and asked for points. SE Creer reminded that the criteria don't cover elimination of stubs, but provision (installation) of stubs only. Commissioners agreed the matter will be referred to the Subcommittee.

g) MEASURE C, MC-04-14: CENTRAL-HU: A request for Residential Development Control System (Measure C) building allocations for Fiscal Year 2006-2007 and Fiscal Year 2007-2008. The project consists of 39 single-family dwelling units on 7.5 acres located at the terminus of Calle Viento at the north east corner of Butterfield Boulevard and E. Central Avenue. [Total points: 186.5]

Mr. McClintock, P.O. Box 1029, MH Engineering Co., called attention to the application, stating the belief that [(page 9) Schools] contained an oversight when referencing the route to El Toro School. "Staff says the school is not within 3/4-mile, but it is." He went on to describe how the measurement for the application was taken from the center of the project. Commissioner Lyle called attention that the applicant appears to be asking for a point in ai, not aii. Mr. McClintock clarified it would be 2a1, 2bii and 2bi. Further discussion resulted in clarification that the Schools category narrative indicates the children must cross the railroad tracks so there would be a loss of 1.5 points, but the distance measurement adjustment could result in a gain of 2 points, so there would be a potential gain of net .5 points. Considerable discussion regarding the matter ensued; Staff was directed to review the matter, with emphasis on the walking distance to Live Oak High School.

h) MEASURE C, MC-04-18: MONTEREY-VIOLA: A request for Residential Development Control System (Measure C) building allocations for Fiscal Year 2006-2007 and Fiscal Year 2007-2008. The project consists of 38 single-family dwelling units on 3.44 acres located on the south side of Monterey Road and the north side of Del Monte Avenue. [Total points: 176]

Staff review resulted in the following adjustments: Orderly and Contiguous Utilities + 1; Public Facilities +2; and Schools + 1.5 (2ci and 2cii for continuous walk path to schools)

Mr. McClintock spoke on the Lot Layout, 1f, page 41, saying that with the detention ponds, there is the possibility of consolidation. He pointed out this project is unique in that it will have less than 2 feet of fill on the lots, asking the Commissioners to think Open Space as detention ponds, comparing this to the mitigation for the Giovanni project

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and those on the west side of Del Monte. Mr. McClintock assured the Commissioners: “The applicant is not using fill to make height, so it is good for open space and detention.” As to Natural and Environmental on page 58, 1a. Mr. McClintock said the pond elevations were not labeled, ‘but there will be no depth below natural ground’.

Commissioner Lyle asked about the Schools category, with the 1.5 points to Sobrato High School and whether the applicant has a letter and commitment from other property owners for the right-of-way? Mr. McClintock said he would see if there is existing right-of-way. Commissioner Lyle responded, “There is not, at least on two properties.” He reminded that if the applicant does not have the letter of commitment, a point cannot be awarded. Discussion followed regarding the location of the rights-of-way and how to have only one right-of-way.

Mr. Burgos spoke on the Orderly and Contiguous category, calling attention to the Master Plan (ab, d5 on page 19), which shows the right-of-way so that the design shows a setback from Monterey Road. He pointed out that for emergencies, quite a bit of frontage is present, with aggregated open space and linkage to the pathway. Mr. Burgos said this item also affects page 41, b1f, Lot Layout.

Turning to Circulation Efficiency, page 45, b1b, Mr. Burgos said the provision of access into the property for future development is present on the site plan, but Staff gave no recognition of this for points. He also said this is on the Master Plan, but Staff disagreed, indicating the 1 acre to the north is not part of the plan. Mr. Burgos clashed with that analysis, saying this gives access to that lot. Chair Weston clarified the stub into the mobile home park will possibly sometime in the future go away. Staff and the Commissioners explained to Mr. Burgos that the design must be modified to return with a major street within the project as shown in the General Plan. PM Rowe recalled that the General Plan connects the street Hale. Mr. Burgos said there should be additional consideration of points for that.

Mr. Burgos asked for clarification on Page 45 of the relation to the ‘short block’, as he read from the criteria, adding that he thinks this intersection is not an issue, as other projects were not ‘dinged’.

Regarding Landscape, Mr. Burgos said even though the Commissioners decided this is a global issue, in this project, which is not a typical R2, there are differences in the driveways and 20 of the lots cannot accommodate two trees. He stressed the driveways are not part of this scenario telling where the trees can go in the common areas. He said the driveways will be facing to the rear. (Page 54, b1e)

Ron Martin owns property on the northeast corner of the project approached the podium, wanting to know about the proposed street and sidewalks along the side of the property site, noting those improvements are drawn on his property. Mr. Martin specifically asked about future dedication. Discussion followed regarding

- why the cul-de-sac is put into the property
- the proposed curb and gutter (sidewalks – not proposed)
- full pavement area for parking
- utilities stubbed in for future [no agreement is in place with Mr. Martin (Chair Weston told Mr. Martin: “You will get curb and gutter and extension to a full street. So you’ll be protected with a ‘good deal’.”)]

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SP Linder addressed the issue of street and trees, saying the lots are 40 - 45 feet wide, so there is not 30-foot spacing for the trees as required.

Regarding the matter of the 'short block', SE Creer referred to the definitions set by the City, "This (the application) is less than the criteria speaks to on a drive aisle separation," adding the criteria has been applied over the years. SE Creer also addressed the Circulation Efficiency category; no points were given, as the stub streets provide marginal benefit.

Commissioner Mueller asked if the Martin's property could be considered as part of the project as an RPD? PM Rowe reminded it has not been scored as such and saying that at the time the density was initially calculated, the density was not achievable because the Martin property was not part of the proposal.

Commissioner Lyle commented, while it doesn't meet the strict criteria, as the proposal is viewed, the stub provides value although not in the strict sense of the criteria. Commissioner Mueller agreed with that, but said that 'other things make it so the density is not available; but if the Martin property is included, it would work, and be to the density level the City wants – and that would be good'.

The stub to the mobile park and possible point for that were discussed, as was the criteria for Circulation Efficiency with the upgraded street to the Martin property. Lot Layout and Orientation, Open Space area fragmentation, and the detention ponds at ground level (and fill in the other areas) were also discussed. The Commissioners reminded that Staff said there were two minor and two major problems with the application.

i) **MEASURE C, MC-04-19: E. MAIN-THRUST:** A request for Residential Development Control System (Measure C) building allocations for Fiscal Year 2006-2007 and Fiscal Year 2007-2008. The project consists of 35 single-family dwelling units on 9.67 acres located on the south side of E. Main Avenue east of Calle Mazatan and west of Grand Prix Way. [Total points: 180]

David Detmers, 540 Calle Caballeria, told the Commissioners that he has spoken on this project before and told the Commissioners he was not against the project, but reiterated the concerns:

- setbacks are inconsistent with other properties and are too small for surrounding areas. Says setbacks larger on other side
- proposed homes considerable larger than others in area
- homes are designed to be family homes, but not family yards (Mr. Detmers suggested trading open space for larger yards, as the neighbors want

development to be proportional to the size of the homes)

- parks [who will be paying for the maintenance of the City-owned park? Mr. Detmers explained that Bella Estates pays for one-half of the maintenance]
- paths (continued) apprehension about co-joining the through pathways, which could result in increased maintenance costs

Chair Weston asked about the size of the setbacks and if all the dwellings will be 2-story?

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Mr. Burgos responded that all except one setback will exceed the minimum for that area. Commissioner Mueller commented that the lots in that RPD are less than 7,000 sf.

The Commissioners discussed with Mr. Detmers the interconnection of the paths to the parks, saying the applicant must have letters of agreement from Belle Estates HOA. Mr. Detmers informed that the members of the Belle Estates HOA pay \$150 each per year for maintenance of the park.

Mr. McClintock said he had obtained a letter from the City written by Mori Struve, Deputy Director of Public Works (DDPW), which said the City always intended to have one big park, but with changes over the years, it can't just join up as a series of park; but now pedestrians can have access to Diana park and this will be maintained by the HOA for this project. Mr. McClintock explained that access to flow thru to Bella Estates Park would want it to be enhancement to Bella Estates.

Mr. McClintock advised the Commissioners that there were questions about the Schools – page 10 2d safe walk to Live Oak High School and he will work with Staff as he believes the right-of-way exists. On page 61, paragraph 3, Livable Communities, Mr. McClintock referenced a letter from VTA dated 10/27/04, which was acknowledged by Staff and so the application did get an additional point. PM Rowe explained that since VTA communicated to Staff they were working on letters, the time line was made consistent throughout all the applications.

SP Linder said if the Commissioners had concerns regarding the size and location of the setbacks and whether the minimum could be met, an adjustment could be made in the number of units. There was also discussion regarding the number(s) of 2-story dwellings and the fact that this matter can be addressed on subdivision submission and with the Architectural Board review.

j) MEASURE C, MC-04-21: BARRETT-SYNCON HOMES: A request for Residential Development Control System (Measure C) building allocations for Fiscal Year 2006-2007 and Fiscal Year 2007-2008. The project consists of 52 single-family dwelling units on 13.49 acres located on the north side of Barrett Avenue east of Butterfield Boulevard and west of San Ramon Drive. [Total points: 178.5]

Craig Miott, 2532 Santa Clara, #175, spoke to the Commissioners as the representative of Syncon Homes, and spoke of the background of that company.

Mr. Miott called attention to the Lot Layout category, which he said was discussed in the preliminary review, whereupon it received 4 points, but was subsequently denied one point for a side facing garage (page 45 - b3d) Mr. Miott also said the significant tree which he described as 65 inches in diameter. "We got one point, but feel two points are warranted for a tree that is approximately 300 years old." Mr. Miott described the tree as an 'icon for the City'. He said the oak tree has been designated as a national tree, which he likened to the bald eagle being a symbol of the country. Mr. Miott went on to speak of "This superior project in the Livable Communities category which was looked at during the preliminary review and we attempted to incorporate all the items into the design. Mr. Miott spoke highly of the preliminary review process, saying he was 'hopefully sending a message to future applicants to go through the preliminary review'.

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Mr. Burgos spoke to the Commissioners, saying there was justification for the garage layout (page 45 item 3d) as he spoke on the 'side loading garage and the garage setback'. Mr. Burgos described the garage setback as being the same as the Warmington project on Main Avenue, illustrating the location of the garage door to the back. "You'll also see this design in Silver Creek," he said, "as it eliminates the 3-car line up in the garage, provides for protection of the visual effect from the street and we believe it satisfies the criteria." Continuing, Mr. Burgos said the 2-car garage setback from a side-loading garage provides a nice streetscape.

Moki Smith spoke about the oak tree on the property. Mr. Smith said the California Oak Foundation, authorized by SB1334, set oak tree mitigation into law. He also said that since 1996 the State has lost a lot of oak trees. "Sometimes it's a timing issue. This tree on the property needs some serious care immediately and the developers have pledged to undertake considerable expense for preservation of the oak tree," Mr. Smith declared.

Commissioners discussed:

- the oak tree Natural and Environmental category – item 1c on page 60 (Commissioner Benich noticed the application could receive up to 2 points, adding, ' but it is only one tree' Commissioner Mueller said by Code the developer must preserve the tree
- side loading garage consistencies [SP Linder reported there is need to review minimizing the number of garage doors seen from the street, adding this project does not quite meet the intent, as all three doors appears inconsistent with other projects, adding Staff will review the matter. Chair Weston said he thinks the plans show the ability to see three doors from the street. Commissioner Mueller stressed the need for consistency, saying there may also be the need to refine the criteria)
- Commissioner Benich likes side-loading garage

SP Linder was directed to review the preliminary exam to ascertain whether a full point had been awarded to the Lot Layout category.

k) MEASURE C, MC-04-22: JARVIS-SOUTH VALLEY DEVELOPERS: A request for Residential Development Control System (Measure C) building allocations for Fiscal Year 2006-2007 and Fiscal Year 2007-2008. The project consists of 256 multi-family dwellings on 15.77 acres located at the south east corner of Monterey Road and Cochrane Road. [Total points: 181.5]

SP Linder announced there was an increase of 1.5 points in the Schools category as a result of Staff review, therefore Schools was now scored at 23.5 points. She explained the rationale for the change: section 2cii - a full street right-of-way exists.

SP Linder explained that the Commissioners must decide if in the Housing category the project ~~compiles~~ *competes* as a *multi-family* project or not. As shown on the drawings, SP Linder said, it is an R3 project but, Staff needs direction of the town homes being R2. This is different, she said, from the attached or detached home.

Commissioner Lyle stated if the multi-family set aside designation is used, *then page 39 paragraph 2 governs its scoring. If it is considered a single family ownership project, then paragraph 1 dictates its scoring. The question is should it be considered as a multi-*

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family or single-family ownership project?

Commissioner Mueller commented that the size of the units, and the square footage can make a difference in the overall scoring of the project. Discussion ensued of the definition of 'multi-family versus actually a multi-family ownership. Commissioner Mueller reminded that a town home in R3 is separate from the typical in R3. HPC Balderas was directed to review and revise the housing score as warranted.

Commissioner Lyle asked about the Circulation Efficiency category item 4 on page 56. He stated that the criteria indicates in an R3 and higher, using single-loading drive aisles to enter parking areas, as he asked how ~~that~~ *this project* complies? SE Creer responded Public Works Staff keyed on 'minimize', and efforts by the applicant were made to have an 'overall good attempt to meet the criteria'.

I) MEASURE C, MC-04-24: COCHRANE-BORELLO III: A request for Residential Development Control System (Measure C) building allocations for Fiscal Year 2006-2007 and Fiscal Year 2007-2008. The project consists of 60 single-family dwelling units in a project proposed for a build out of 226 single-family units on 39.54 acres located on the south side of Cochrane Road, across the street from Anderson Lake County Park. [Total points: 151.5]

SP Linder and PM Rowe said this application presented a scoring question in the Lot Layout category: If the Commissioners do not permit the score for the Master Plan, the score may be adjusted, as Staff was not able to identify an overall Master Plan. Chair Weston commented the Commissioners 'could be backed into a corner' by this project and stated he did not think 14 points should be awarded, based on the lack of viable information.

Susan Cervantes, 18755 St. Marks Avenue, was present and expressed 'deep concern' that this proposal would add 229 homes. "There are 9 houses on St Marks Street now and all those homes have children in them. What will happen in the school?" she asked. "We know that Nordstrom is maxed and El Toro is over the limit and we don't want the children to go to a primarily Spanish speaking school." Ms. Cervantes noted she is Hispanic, but feels the area will be split into an island and there will be bussing of the school children, as well as an increase in traffic and accidents.

Commissioner Mueller explained there is a dedicated school site on Peet Road – 2 blocks from Ms. Cervantes house, although it is not known when the School District can build the school. "The landowners dedicated the land, but we don't know when it is to be built," he said.

Commissioner Benich gave details of the public law of Measure C, saying that the Commissioners are responsible for implementing the low-growth initiative the people passed. "We as Commissioners are here to determine how the growth goes," he said.

PM Rowe reminded that the hearings tonight will culminate in recommendations to the City Council on where to place the allotments. He also stated that Ms. Cervantes is on the public 'notice list' for future hearings concerning the proposal.

Commissioner Lyle said the School District has a committee to study boundaries, telling

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Ms. Cervantes she might be interested in that.

Barbara Davis, 18765 St. Marks, advised the Commissioners that the residents on St. Marks 'obviously have issues with density'. We thought when we bought our home that the General Plan provided for 'density step down', and that the larger setbacks were required. Apparently this plot of land had an exception. "We're here tonight to talk about safety," Ms. Davis said. "This had had incredibly high density construction here since 1994. There have been continual stages of construction which cause safety concerns. Now with an extended Cochrane Lane and work on the oak trees in the plan, we assume the road is to be widened as well." Ms Davis continued by telling of concerns about the Boy's Ranch location in this area. She further indicated that the San Jose dump odor has become a problem.

Ms. Davis said there is need for a compromise in this density. She spoke about the orchard across the street, saying she was concerned about the destruction of the orchard, and an open trench on Cochrane.

Chair Weston told Ms. Davis the point scores for this project were 'very low and therefore it may not do well in this competition – a 2-year competition – and urging the interested parties to continue to attend the public hearings. Ms. Davis responded, "Delaying is not a solution; changing the development is good."

Commissioner Acevedo pointed out that these lot sizes range from 1/2 to 3/4 acre, and saying, "That's not a bad step down." He continued by giving the square foot range and price ranges.

Mr. McClintock told those present he was speaking for *the applicant*. Regarding Lot Layout criteria, he said this category has been scored on past criteria and expressed a thought that the project 'is not likely to get allocations, but the applicant will redesign it. Mr. McClintock talked about how projects change over time, and noting that this one was not scored for Master Plan points.

Mr. McClintock called attention to Circulation Efficiency, page 51, 1c, where he said 1 point was not awarded because of the long cul-de-sac. "However," he said, "all the cul-de-sacs are less than 600 feet and there is one which acts as a street stub (which he termed temporary) that is less than 1000 feet; adding that in talking with the County Fire Marshall, they allow that, as the temporary street is longer than 600 feet, but less than 1000 feet. Commissioner Benich asked, "How long is temporary?" Mr. McClintock responded this will be a looped street, citing Circulation efficiency page 51, item 1c.

SE Creer said that City standards do allow 600 feet long cul-de-sacs, but the issue remains: it is still a long, dead-end street where the Police can't see down the end of the drive and must commit and drive down it. Chair Weston asked if a future alternate access might be considered? SE Creer responded that would be a question for County Fire personnel who provide service to the City by contract.

Commissioner Mueller indicated that the Commissioners and Staff "Typically get more information than this level of detail; this scale is difficult to read and ascertain what the plan entails". Chair Weston suggested that Staff get from the developers exactly what is expected from a project of this type – and that would be beneficial for future

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competitions. SP Linder said, "We consistently get greater detail – this is the minimum." Mr. McClintock said the criteria are not clear. SP Linder and the Commissioners informed that they need more information. Commissioner Lyle said there had been the potential for 14 additional points if detail had been provided. Commissioner Mueller said he didn't think this project is particularly good nor the way it was treated with the Master Plan reviewed in detail and moved dramatically. He said he also thought that this matter would be a good topic for a workshop for the entire area.

Commissioner Lyle commented, "If a project is saving one tree for 40 acres, it is not worth a point; these matters are supposed to be proportional."

No change or further review was recommended for the long driveway.

Chair Weston asked the Subcommittee look into clarifying the matter of trees.

m) MEASURE C, MC-04-25: COCHRANE-LUPINE: A request for Residential Development Control System (Measure C) building allocations for Fiscal Year 2006-2007 and Fiscal Year 2007-2008. The project consists of proposed 36 single-family units for Phases 4 and 5 of Alicante Estates on 16.82 acres located at the south east corner of Cochrane Road and Peet Road. [Total points: 189.5]

Mr. McClintock said in the Schools category, Mr. Oliver was arguing that points awarded to Mello-Roos projects spent much less than he has spent, so for the great expense, would like 3 points.

Page 61, item 1a, Natural and Environmental: No point for fills 2 feet or less; Mr. McClintock said the irregular terrain of the property caused an elevation change of less than 9 feet, and indicated that not many of the lots were affected.

Commissioner Lyle asked, in the Orderly and Contiguous category on page 18, what Staff used to determine what has already been developed and what phase they were talking about? He noted that the permits were not pulled by September 30, so the project was not contiguous. SP Linder explained an interpretation of AP Tolentino's response: the criteria used included the project schedule, so no point adjustment was made. It was pointed out that the reviewer also talked about a development schedule. The

Commissioners asked Staff to re-look at phase 2 of the project.

Commissioner Mueller said the dollar commitment on a *dollars per unit* being higher than Mello-Roos had merit; Commissioner Benich agreed.

n) MEASURE C, MC-04-26: COCHRANE-MISSION RANCH: A request for Residential Development Control System (Measure C) building allocations for Fiscal Year 2006-2007 and Fiscal Year 2007-2008. The project consists of 30 single-family units of Phases 10 and 11 of Mission Ranch on 11.15 acres located on Avenida de Los Paredes east of Mission View Drive and west of Peet Avenue. [Total points: 188.5]

Mr. McClintock said this application represents a great job by Dick Oliver. On the application, under Orderly and Contiguous, page 20, 4d, as well as on the previous schedule and pulling of permits, the project experienced some delay in the plan check

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review from Public Works and the applicant is asking for some consideration, as this did not represent developer inaction. Chair Weston asked if an extension had been requested? Mr. McClintock responded, "No, he just didn't meet the September 30 time line."

Commissioner Lyle looked at the Schools category on page 9, with points for walking to the proposed school site, children must cross Peet Road which appears to function as a collector at the present time. He said there is no actual evidence of how it functions, but a collector road gets no points; and also in item 2b, this project would get a point under I, but not ii, as with a long range - not an arterial - there has to be right-of-way to a four lane only. Commissioner Lyle asked if that road currently functions as a collector? Public Works Staff will review the matter. It is possible the project will lose 2 points, but there is need to review how the street functions, the Commissioners agreed.

Commissioner Lyle also asked Public Works Staff to review what has been happening with project in the final map process. The other Commissioners concurred with this request.

COMMISSIONER'S VOTE:

Announcing it was time for the Commissioners to vote on the Livable Communities discretionary point, Chair Weston explains again the method of the vote. The vote was taken with the following results:

Measure C, MC-04-04: Diana-Chan	2 votes	0 points
Measure C, MC -04-08: Central-Delco	0 votes	0 points
Measure C, MC-04-11: San Pedro-Delco	0 votes	0 points
Measure C, MC-04-12: E. Dunne-Dempsey	3 votes	0 points
Measure C, MC-04-13: Barrett-Odishoo	2 votes	0 points
Measure C, MC-04-14: Central-Hu	3 votes	0 points
Measure C, MC-04-18: Monterey-Viola	2 votes	0 points
Measure C, MC-04-19: E. Main-Thrust	2 votes	0 points
Measure C, MC-04-21: Barrett-Syncon Homes	4 votes	1 point
Measure C, MC-04-22: Jarvis-South Valley Developers	6 votes	2 points
Measure C, MC-04-24: Cochrane-Borello III	0 votes	0 points
Measure C, MC-04-25: Cochrane-Lupine	6 votes	2 points
Measure C, MC-04-26: Cochrane-Mission Ranch	6 votes	2 points

ANNOUNCEMENT:

PM Rowe announced that the Planning Staff and other City personnel would adjust scores as directed and prepare Resolutions for the next meeting on January 25, 2005. He further indicated that if the Commissioners wished, there could be a Public Comment period on general issues when Staff's revised scores are presented; however, only a representative for MC-04-23: Tennant-Gera, would be able to offer rebuttal to the Staff presentation, due to the time delay because of the adjustment from Open Market to Small category. It was agreed by the Commissioners that input from the developers re: any adjustments should be sent to Staff and the Commissioners directly. Chair Weston stated that the Commissioners could bring up items for clarification at the meeting.

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ADJOURNMENT: Observing there was no further business to come before the Commissioners, Chair Weston adjourned the meeting at 11:01 p.m.

MINUTES RECORDED AND PREPARED BY:

JUDI H. JOHNSON, Minutes Clerk